

**ATTACHMENT B-1
PLAINTIFFS' REQUESTED
VOIR DIRE QUESTIONS**

ATTACHMENT B-1

Plaintiff's Requested Voir Dire Questions

Background / Experiences

1. Have you ever been employed by any kind of company that deals with cars: automaker, after market component manufacturer, installer, repair, etc?
2. Have any of your family members or close friends worked for any kind of company that deals with cars: automaker, after market component manufacturer, installer, repair, etc?
3. Have any of you ever been employed in any way in the automotive or automobile or truck business in some way we haven't already discussed?
4. How many of you have heard of a company called Rough Country?
5. Do any of you own any cars or trucks equipped with aftermarket modifications manufactured by Rough Country?
6. Do any of you own cars or trucks equipped with a "lift kit" designed to raise the vehicle's height?
7. Do any of your family or close friends own cars or trucks equipped with an aftermarket "lift kit" designed to raise the vehicle's height? Do you ride in that vehicle regularly? Have you ever ridden in it?
8. For those of you who said you have heard of Rough Country, please raise your hand if you think positively about the products it manufacturers or sells.
9. Are there any of you who, when you hear the name "Rough Country," associate that name with quality and reliability?

10. Are there any of you who, when you hear the name “Rough Country,” associate that name with safety?
11. Have any of you ever *been in* a car or truck wreck?
12. Have any of you ever *been in* a rear-end wreck?
13. Have any of you ever *seen* a rear-end wreck?
14. Have any of you ever *been in* a crash where a vehicle was crushed all the way into the passenger compartment?
15. Have any of you ever *seen* a crash where a vehicle was crushed all the way into the passenger compartment?
16. Have any of you ever read or heard about a warning from a company that designs lift kits that raising a vehicle's height can cause it to crush into the passenger compartment during crashes?
17. Have any of you ever been hurt in a wreck?
18. Have any of you ever had a family member or close friend who was hurt or killed in a wreck?
19. Have any of you ever been in a wreck in which someone was seriously injured or killed?
20. Have any of you ever had a loved one who was seriously injured - in a wreck or in any other way - when you thought it was the fault of another?
21. Has anyone here ever caused another person's death or serious injury in a car crash?
22. Does anyone here have a family member or close friend who caused person's death or serious injury in a car crash?

23. Has anyone here had a close family member killed in a situation where alcohol was involved?¹
24. Have any of you ever had family members or close friends who lost a young child?
25. Are any of you mechanics?
26. Are there any of you who have a spouse or another family member that is a mechanic?
27. Are any of you engineers?
28. Are there any of you who have a spouse or another family member that is an engineer?
29. Have any of you ever studied or are you familiar with building cars or trucks?
30. Have any of you or your family members ever been involved in *designing* cars or trucks?
31. Have any of you ever studied or are you familiar with designing or installing *lift kits* on cars or trucks?
32. Are any of you familiar with the term “vehicle compatibility” – the industry requirement related to the heights of vehicles on the road?
33. Have any of you or your family members ever been involved in *testing* cars or trucks?
34. Are any of you collectors of cars or trucks – or do you have family members who are?

¹ Plaintiffs intend to file a motion to exclude evidence of Hunter Elliot’s alcohol use; questions referencing alcohol use are included in the event the Court allows such evidence.

35. Do any of you consider cars or trucks to be a hobby of yours?
36. Have any of you or your family members or close friends ever been involved in off-roading or racing vehicles?
37. Do any of you subscribe to automotive magazines –about cars or trucks or racing? Which ones?
38. Have any of you or your family members ever been a professional driver – taxis, tractor trailers, or the like?
39. Are there any of you who do not drive cars or trucks at all?
40. Have any of you ever consulted organizations or websites with ratings of cars or trucks for safety?
41. Have any of you ever researched the safety of a car or truck before buying it – for yourself or for a family member?
42. How many of you work in a place where if you don't do your job, someone can get hurt or killed?
43. How many of you have been trained to respond in emergency situations?

Views and Opinions

44. Do any of you disagree with the idea that if a product manufacturer knows of a risk to consumers it should study the risk and try to prevent it?
45. If a corporation makes a defective product that hurts or kills someone, raise your hand if you think the corporation should be financially responsible for the harm it caused.
46. Please raise your hand if you disagree with this statement: when a corporation learns that its product has contributed to someone's serious

injury or death, it has a duty to investigate ways to prevent its products from causing more injuries and deaths in the future?

47. Are there any of you who are inclined to believe that corporations would never put profits over safety?
48. We all know that cars are designed to protect people inside them in a crash. That is what seatbelts and airbags are for, for example. You are going to hear evidence in this case that car manufacturers like Ford and General Motors also design cars so that when they hit each other they are more likely to collide against each other's stronger structures. You will hear evidence that the purpose of that design is to prevent the striking vehicle from intruding into the area where passengers are in the car it strikes. In the auto industry, it is called "vehicle compatibility." How many of you think, right out of the gate, that it is unnecessary or silly for car manufacturers to design cars to be compatible with each other in crashes?
49. How many of you have aftermarket components on your cars?
50. How many of you have family members with aftermarket components on their car?
51. How many of you believe that companies that sell aftermarket parts to modify cars ought to make sure they won't make the car unsafe?
52. Does anyone here think it is the consumers' job to figure out if the product they bought is defective or unsafe?
53. How many of you agree that designers and manufacturers of products have a duty to make sure the product they sell is safe?
54. You've heard a few facts about what occurred in this case. I need you to be honest with me here please. Upon hearing those facts, who here immediately started thinking about Rough Country and what may happen to it if there is a substantial verdict in this case?

55. Does anyone here for whatever reason feel like you identify with the defendant more than the plaintiff?
56. If I asked the person closest to you to describe you, and they were given only three categories to choose from, who here would be placed in the category of: (a) leader, (b) loner, (c) collaborator?
57. Other than your family and your faith or religion (which people will often default to for their answers), what are you passionate about and tell me why you feel the way you do?
58. Do you view yourself as more positive and optimistic (glass half full) or more negative and pessimistic (glass half empty) and give me an example from your life that explains why you feel that way.
59. How many here believe the world is flat?
60. Raise your hand if you believe having a 6" suspension lift on a truck is very useful.
61. Raise your hand if you believe a 6" suspension lift on a truck could never be called defective.
62. Raise your hand if you strongly agree with this sentence: if a manufacturer can make a product safer without reducing its usefulness, it should do that.
63. How many people believe that if a product is dangerous, the government would outlaw it?
64. How many people think that if a product is legal, then it cannot be dangerous?
65. How many people think the government can be trusted to ensure that all products sold are safe?

66. This case involves an aftermarket suspension lift on a Ford F250. We will present evidence that the lift raised the suspension about 6 inches. We all see a lot of lifted trucks on the road. Who here would have a hard time seeing a suspension lift as a defective product, especially given how common a suspension lift is?

Familiarity with Court system

67. Are any of you lawyers?
68. Do any of you have family members or close friends who are lawyers?
69. Do any of you have a job in which you are in close contact with lawyers?
70. Have any of you ever worked in the court system in any way?
71. Do any of you have family members who have ever worked in the court system?
72. Excluding divorce cases, have any of you ever had family members who filed a lawsuit against someone, either a corporation or another person?
73. Excluding divorce cases, have any of you had family members who had a lawsuit filed against them?
74. Have any of you ever been involved in a lawsuit where your employer was sued?
75. Have any of you ever been a witness to a lawsuit or court case?
76. Have any of you ever testified in a courtroom?
77. Have any of you ever had your deposition taken – where lawyers ask you questions in front of a court reporter who types everything up?

Employment background

78. Have any of you ever worked for a tire company – a tire manufacturer or a tire distributor or tire store?
79. Have any of you ever worked for a garage?
80. Or for a body shop?
81. Or in an auto parts store?
82. Or a shop that modifies cars or trucks with aftermarket parts?
83. Have any of you ever been employed in the insurance industry?
84. Have any of you ever been or has your spouse ever been an insurance adjuster or claims adjuster?
85. Have any of you ever been in the risk management business in any way?
86. Have any of you ever been an insurance salesperson?
87. Have any of you or have any of your family members ever made a living as a litigation consultant – someone who testifies in lawsuits?
88. Have any of you ever heard of an outfit called “Exponent,” which is a firm with offices all over the country that provides witnesses to testify as “experts” for corporations like Rough Country?
89. Have you or have your family members ever been in a job which involved inspecting or testing products – before they were sold – for safety?
90. Do any of you now work, or have you ever worked, in the safety field?
91. Do any of you have any experience in crash testing cars or trucks?

- 92. Have any of you ever had any experience investigating car wrecks?
- 93. Have any of you ever worked in the field of accident reconstruction?
- 94. Have any of you ever worked in the field of biomechanics?
- 95. Have any of you ever been, or worked for, a medical examiner?
- 96. Have any of you ever worked or been involved in law enforcement?
- 97. Do any of you have family members who have worked in law enforcement?
- 98. Do any of you own your own business?
- 99. Do any of you have family members who own their own business?
- 100. Do any of you work in the medical field – as a doctor, or nurse, or technician, or otherwise?
- 101. Have any of you ever been EMTs or paramedics or ambulance attendants?

Opinions about the legal system

- 102. Does everyone agree that frivolous lawsuits are bad for all of us? Does everyone agree that frivolous defenses to avoid responsibility are just as bad?
- 103. Are there any of you who think that most lawsuits are “frivolous”?
- 104. If you were injured by someone else, on a scale of 1 to 10, how likely would you be to file a lawsuit against that person or company who hurt you? 1 is not likely at all; 10 is very likely. Why do you feel that way?
- 105. How many of you had a situation where you could have sued someone but for whatever reason did not bring a lawsuit?

106. Are there any of you who generally feel that jury awards are too big—too large?
107. There are no caps or limits on the damages you can award for wrongful death in Georgia. How many of you feel all civil cases should have caps on the awards?
108. Have any of you ever been involved with or given money to any group that promoted the idea of “tort reform,” or wanted to put caps on damages, or wanted to limit damages that could be awarded by juries?
109. Do any of you disagree with the idea that if someone is responsible for something bad happening, that person should accept responsibility?
110. Does anyone disagree that the duty to accept responsibility applies to a corporation just like it applies to an individual, live human being?
111. Are any of you opposed to the idea of awarding damages to someone, if the facts and law require that you do so, for the loss of their two-year-old child?
112. Are any of you opposed to the idea of awarding damages to a deceased child’s parents, if the facts and law require that you do so, for the joy and life experiences the child missed because of his premature death?
113. We are suing Rough Country for full and fair compensation for the wrongful death of Cohen Bryson. We are also suing for punitive damages. Punitive damages are extra damages, just to punish, and beyond full and fair compensatory damages. Many people are OK with compensatory damages but have a problem with punitive damages for religious, moral, political or any other reason. Many people just hearing about punitive damages have a bias against awarding those damages. You will be instructed not to have any bias affecting your deliberations or verdict. On a scale from 0 to 10 with 0 being no bias, 5 being some bias, and 10 being the most bias you can have, how would you rate yourself about bias against punitive damages using that scale and choosing any number from 0 to 10? Even with the judge’s instruction, will bias against punitive damages play a part in your

deliberations and verdict no matter what the evidence shows regarding punitive damages against Rough Country?

114 We will be asking you to award many millions of dollars to the deceased two-year-old's parents. Many people say if you want millions of dollars, I need a higher level of proof. How many of you want "beyond a reasonable doubt" or at the very least "clear and convincing" evidence if we are asking for millions of dollars.

115 One of the defenses of Defendant Rough Country is that alcohol contributed to the death of Cohen. A lot of people may have a problem with Rough Country being held responsible for death of a passenger in a crashed vehicle because of the strength of that bias against alcohol. A lot of people have strong feelings against alcohol and would have difficulty finding Rough Country at fault no matter what the evidence shows if alcohol was involved. On a scale from 0 to 10 with 0 being no bias, 5 being some bias, and 10 being totally biased against holding Rough Country responsible, how would you rate yourself? Even with the judge's instruction, will bias against alcohol play a part in your deliberations and verdict no matter what the evidence shows that Rough Country did in this case.

Ability to decide the case

116 Is there, for any of you, any reason that you think it would be difficult or unpleasant for you to find for the Plaintiffs in this case – if the evidence and law required such a finding – and return to your normal everyday lives?

117 Serving on this jury will be a sacrifice and we are deeply grateful for it. We will try to our best to be efficient in the way we use your time and the witnesses and evidence we present. But does anyone want the Court to know about any particular hardship they are worried about experiencing if they must be here for two weeks?

118 How many people have a bias in favor of Rough Country as they sit here today. You will be instructed not to have any bias effecting your deliberations or verdict by the judge. But even with the judge's

instruction, will bias in favor of Rough Country play a part in your deliberations and verdict no matter what the evidence shows that Rough Country did in this case?

- 119 Some people have feelings of sympathy for parents that have a child die. We are not here for sympathy, we are here for justice. The parents have more sympathy than they know what to do with. The judge will instruct you not to let sympathy play a part in your deliberations or verdict. By a show of hands, how many of you promise this court you will follow the judge's instruction about sympathy and not let it play a part in your verdict?
- 120 How many of you would have a hard time holding a corporation responsible for the acts of its employees—even though the law says they are responsible. How many of you could not follow the law to find against a corporation for the acts of its employees?
- 121 There are a few depositions in this case that were taken over the last few years. They are under oath just like if they are on the witness stand. Is there anyone here who would not give that testimony the same weight as witnesses who are on the stand?
- 122 The plaintiffs in this case will not be in the courtroom for some of the evidence, and you will see why when it is put on – they will be right outside in the hall – will the fact that they will not be sitting here the entire time cause you to have feelings against them?
- 123 We believe the evidence in this case will warrant a verdict of millions of dollars. We understand that you have not heard the evidence yet. You don't know the full extent of the damages to this family. The judge has not told you the law. But, if the law authorizes it, and if the evidence supports it, does anyone feel as if they are going to have a hard time rendering a verdict of millions of dollars just because it's a large amount?

- 124 Under our system of justice, the only way to compensate someone who has been wrongly injured is through money damages. How many of you have a problem with this concept of justice (religious/moral/other?)
- 125 Many people in this room struggle to make ends meet. I have talked to jurors who struggled to award large verdicts because of their own financial situation. There can be a feeling of “what about me? No one is helping me.” Is there anyone who, at the end of trial, feels they are likely to limit or decrease the verdict for the victim because of their own monetary situation at home?
- 126 Now that you have had a chance to sit here and listen to me talk for a while and you have observed the parties and the lawyers, is there anyone out there that is thinking, man she might not know it yet, but she does not want me on this jury?
- 127 We all have personal experiences and beliefs that may get in the way of being fair to both sides. For example, would it be fair for a UGA fan to referee the Georgia – Florida game? Is there anyone who would not be satisfied to have your case decided by a juror who entertains the same frame of mind as you do right now?
- 128 How about the opposite, is there anyone out there that thinks that because of their life experience, they would just make an exceptional juror for this case?